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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/621,946	07/15/2003	Michael Ford Tschantz	CHR 02-38	1550

36876 7590 07/01/2004

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EXAMINER

MOULIS, THOMAS N

ART UNIT PAPER NUMBER

3747

DATE MAILED: 07/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/621,946

Applicant(s)

TSCHANTZ, MICHAEL FORD

Examiner

Thomas N Moulis

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4/26/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 3 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 3 is indefinite for reciting "the fiber component" without proper antecedent basis.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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Claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by EP 1 191 217 A2.

The reference discloses the claimed elements, including a shaped article (46) for reducing hydrocarbon emissions from automotive air induction system by adsorbing said emissions from a fluid stream passing through the air induction system, the shaped article comprising a support component (310) and an adsorbent component (314) of activated carbon, wherein the shaped article permits relatively unobstructed fluid flow therethrough. SEE Figure 3 and column 4, lines 28-40. The intake fluid flow flows freely through the fuel vapor storage duct (46), because the adsorbent material is on the perimeter of the duct.

Column 4, and Fig. 3 describe the support component (310) as being formed from plastic (resin). Note the binding material (312) shown in Fig. 3. Fluid will certainly flow through the duct (46) with a resulting pressure drop of less than 1" of water.

Claims 1-6 are rejected under 35 U.S.C. 102(e) as being anticipated by Labarge et al ('859).

The reference discloses the claimed elements, including a shaped article for reducing hydrocarbon emissions from automotive air induction system by adsorbing said emissions from a fluid stream passing through the air induction system, the shaped article (34) comprising a support component and an adsorbent component, wherein the

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shaped article permits relatively unobstructed fluid flow therethrough. SEE Figure 1 and column 4, lines 51+. The intake fluid flow flows freely through the engine intake and through the adsorber element (34) with negligible restriction to fluid flow.

Column 5 describes the support element as being made from a list of materials. Adsorbition components are described on column 4, lines 34+.

Claims 1-6 are rejected under 35 U.S.C. 102(e) as being anticipated by Sakakibara et al ('200).

The reference discloses the claimed elements, including a shaped article for reducing hydrocarbon emissions from automotive air induction system by adsorbing said emissions from a fluid stream passing through the air induction system, the shaped article comprising a support component and an adsorbent component, wherein the shaped article permits relatively unobstructed fluid flow therethrough. SEE Figures 2-5 showing different embodiments. The intake fluid flow flows freely through the engine intake and through the intake duct with negligible restriction to fluid flow, because the adsorbent is on the perimeter of the duct.

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Conclusion


The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Note the various art showing activated carbon adsorbing material located within the intake duct of an engine, which must have relatively low restriction to flow.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas N Moulis whose telephone number is 703 308-2618. The examiner can normally be reached on M-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Henry Yuen can be reached on 703 308-1946. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Thomas N. Moulis
Primary Examiner